Court No. 2

Civil Misc. Writ Petition No.170 of 2000

Executive Engineer, Upper Ganga
Canal Modernisation, Hardwar. ……..… Petitioner

Versus

Presiding Officer, Labour Court
Dehradun and another …… Respondents.

……..

Hon'ble P.C.Verma,J.

This writ petition has been filed by the petitioner against the award dated 27.7.1999 passed by the Labour Court, by which the Labour Court held the termination of the respondent No. 2 illegal and improper and directed the petitioner for reinstatement of the respondent No. 2 in service.

The workman was working with the petitioner-department and had worked continuously from 01.6.1989 as Beldar but on 30.11.1990 his services were terminated without any notice.

The main contention of the learned Standing Counsel is that the petitioner-employer was not given sufficient opportunity to file its written statement and the Labour Court passed an exparte award.

I perused the order passed by the Labour Court. The Labour Court has given its finding on this point and found that despite sufficient opportunity the petitioner-employer did not file its written statement/objection and decided the reference exparte under sub Rule (9) of Rule 12 of the U.P. Industrial Dispute Rules, 1957 which reads as under:-

> **"12. Proceedings before the Labour Court or Tribunal.-** (9) If the affidavit accompanying the written statement of the union or the workmen is not rebutted by the employers, the Labour Court or the Tribunal, as the case may be, shall presume the contents of the affidavit to be true and make an award accepting the facts stated in the written statement."

I find that the Labour Court has rightly decided the reference under the provisions of aforesaid Rule. Therefore, the impugned award does not call for any interference by this Court under Article 227 of the Constitution. The matter is concluded by finding of fact. The petition is devoid of merit and is hereby dismissed.

(P.C. Verma, J.)

27.3.2003
P.Singh